

CITY OF CHULA VISTA

Proposition E

(This proposition will appear on the ballot in the following form.)

PROP E

Shall the ordinance amending Chula Vista's General Plan to require voter approval for General Plan changes increasing allowable building heights above 84 feet in most areas of the City, and setting a building height limit of 45 feet in a designated area on Third Avenue be adopted?

This proposition requires approval by a simple majority (over 50%) of the voters voting on the proposition.

Full text of this proposition follows the arguments and rebuttals.

CITY ATTORNEY IMPARTIAL ANALYSIS

Proposition E is a measure being presented by a citizens' initiative and proposes to amend the Land Use Element of the Chula Vista General Plan, as adopted on December 13, 2005, by adding two provisions. The first provision would require voter approval for any proposed change to the General Plan that would increase allowable building heights above 84 feet in most areas of the City. The second provision would set a building height limit of 45 feet on Third Avenue between E and G Streets.

Presently, under the General Plan, high-rise development in the City of Chula Vista is defined as eight or more stories, and is limited to specific areas, namely the Transit Focus Areas and the Otay Ranch Eastern Urban Center. Also, any specific project must be approved through the City's development review process, which generally includes planning, design, and environmental reviews at public hearings.

If Proposition E is approved, proponents of development or redevelopment projects, proposed to exceed 84 feet in height in most areas of the City, must not only comply with the City's existing development review processes, but also must obtain authorization from voters of the City. An election would be required for each individual project. Proposition E specifically does not require voter approval for any proposed project to exceed 84 feet in the City's Bayfront Planning Area, as defined by the General Plan, or any area west of Interstate 5.

Proposition E does not designate who would bear the cost of the mandated election. This proposition may have a financial effect on the City of Chula Vista if the City were to pay for the cost of an election. Proposition E may also increase uncertainty for proponents of future projects. A project proponent affected by this proposition would be required to comply with all existing planning, design, and environmental review processes, but could not obtain final approval unless and until voters approved the project.

Proposition E would also limit the height of buildings in the Third Avenue Village, defined as Third Avenue between E and G Streets, to 45 feet. Building height would be measured from the average contact ground level of the building to the highest point of the building, including rooftop appurtenances.

Proposition E is intended to have retroactive effect to apply to every project, which has not commenced substantial physical construction or constructed substantial improvements and incurred substantial liabilities in good faith reliance upon a valid City permit to complete construction issued by July 13, 2007.

If approved, the City Council will be required to make changes to the City's zoning ordinance to ensure consistency with this measure. If Proposition E is approved by a simple majority (over 50%) of the voters voting on the proposition, its provisions could be changed or repealed only by a subsequent vote of the people of Chula Vista.

ARGUMENT IN FAVOR OF PROPOSITION E

We believe that the people of Chula Vista should have a voice in the future development of our city. Our concerns, including traffic and appearance, should be resolved when someone wants to change the existing General Plan to allow building heights over eighty-four feet in additional areas.

The people of Chula Vista want to preserve the historic nature of our city, while still progressing toward a future of economic prosperity with development that improves, rather than harms, our quality of life.

We, and our existing General Plan, recognize that high-rise buildings have a place in Chula Vista. They should be located where transportation systems have been built to serve them, and where existing neighborhoods will not be disrupted, displaced or overburdened with traffic. The existing plan provides transit areas and the Eastern Urban Center for such development. High rise development for property west of I-5, including the Bay front, would be allowed. Under Proposition E, these areas would not be affected.

However, any developer that proposes a building higher than eighty-four feet outside of these areas would have to ask the voters of Chula Vista for approval.

There is a change to the existing plan for the Third Avenue Village. On Third Avenue, between E and G Streets, a forty-five foot height limit would be created. This lowers the maximum height limit on seven of the seventy-nine parcels that exist there, since the other parcels are already limited to forty-five feet by the City.

Voting YES on Prop E means:

- We send a clear message that we want our voice to be heard.
- We protect the historic nature of Third Avenue Village and still ensure the ability of businesses to thrive in our community.
- We protect our General Plan from changes by influential developers without voter approval.

DAVID J. (JIM) PETERSON
Former Director of Planning for the City of Chula Vista

EARL E. JENTZ
Third Avenue Business Owner

THERESA B. ACERRO
President
Southwest Chula Vista Civic Association

MICHAEL MACE
Downtown Third Avenue Property Owner
and Business Owner

FRANK M. ROSEMAN
Founder
Chula Vista Heritage Museum

REBUTTAL TO THE ARGUMENT IN FAVOR OF PROPOSITION E

Telling the Truth

Prop E is bad for Chula Vista. It disregards public hearings and sound planning decisions. Instead, it permanently locks in bad planning consequences that can be corrected only by expensive city-wide elections.

The Truth is ... Prop E overrules the decisions made through public hearings and workshops that produced Chula Vista's General Plan and Urban Core Specific Plan. It was written behind closed doors by a wealthy apartment landlord who has spent hundreds of thousands of dollars to try to single-handedly change the city's future planning, without public hearings or environmental review.

The Truth is ... Prop E threatens revitalization of older areas, drives out businesses and lowers property values. That's why **the Third Avenue Village Association and Chamber of Commerce oppose Prop E.**

The Truth is ... Prop E allows developers to avoid public hearings and environmental safeguards.

The Truth is ... Prop E threatens local hospitals, obstructing their ability to modernize, expand services and meet community needs. That's why the leaders of **Scripps Mercy and Sharp Chula Vista oppose Prop E.**

The Truth is ... Prop E threatens police and fire protection services by reducing city revenues, further worsening the city's financial problems. That's why **the Police Officers' Association and Chula Vista Firefighters oppose Prop E.**

Join us in voting NO on Proposition E!

CHERYL COX
Mayor
City of Chula Vista

JERRY R. RINDONE
Deputy Mayor
City of Chula Vista

FRED ROWBOTHAM
President
Chula Vista Police Officers' Association

STEVE MILLER
President
Chula Vista Firefighters

CHRIS BOYD
Chief Executive Officer, Sharp Chula Vista Medical Center

ARGUMENT AGAINST PROPOSITION E

Proposition E is a **step backwards** for Chula Vista.

Prop E **reverses** years of citizen involvement in the City's General Plan, **threatens** successful redevelopment in older areas of town, and **impacts** much-needed construction in newer areas. It **negatively affects** the local economy, jobs and city services.

Prop E was financed by a real estate investor, without the benefit of public hearings, environmental studies, or financial analysis. Its errors can be fixed only with costly elections.

Prop E **blocks the rebuilding of local hospitals**. . . . Prop E **limits plans for attracting a four-year university**. . . . Prop E **restricts the construction of senior housing**.

Prop E encourages developers to bypass public hearings and environmental reviews so they can "buy" project approvals with slick political campaigns.

Prop E **worsens** the city's financial condition. It **limits investment** in run-down areas, discourages new businesses from locating here, and **drives down** property values. **Keeping redevelopment out locks poverty in.**

Chula Vista **needs** downtown revitalization, **not obstacles** that keep us from enjoying new businesses, restaurants, and shops.

Two existing buildings in downtown Chula Vista that have provided independent and assisted living for senior citizens for many years could not have been built under Prop E's rules. Instead, they would **require expensive elections** that could cost taxpayers \$50,000 or more (and \$500,000 or more for special elections) -- to put even minor changes on the ballot! This is money that could otherwise be spent for police, firefighters, and maintaining our streets, parks and libraries.

Do not vote to give control of our future to political propaganda rather than to good planning.

This is not the time to restrict our City's future. Please join the Chula Vista Chamber of Commerce, Third Avenue Village Association, and Chula Vistans for Responsible Planning in voting NO on Proposition E.

CHERYL COX
Mayor
City of Chula Vista

JERRY R. RINDONE
Deputy Mayor
City of Chula Vista

FRED ROWBOTHAM
President
Chula Vista Police Officers' Association

STEVE MILLER
President
Chula Vista Firefighters

ROBERT TODD HOFF
VP Chief Operations Executive
Scripps Mercy Hospital Chula Vista

REBUTTAL TO THE ARGUMENT AGAINST PROPOSITION E

Proposition E, the General Plan Protection Initiative, **gives YOU a voice at City Hall.**

Prop. E is a **step forward** for Chula Vista. It **gives citizens a voice** in major developments that require changes to the General Plan, **protects Historic Third Avenue**, and **reduces the undue influence of developers** on City Hall.

Prop. E protects our neighborhoods by giving residents a vote on high-rise development changes to the General Plan, developments that would significantly impact our quality of life.

City officials, special interests and developers all want to maintain the status quo and leave residents to deal with increased traffic, potholes, and cuts in city services.

Don't be fooled by false claims and scare tactics. The building height initiative reviewed and analyzed by the City in 2007 concluded that it "would not appear to significantly reduce overall development capacity and therefore would not prevent the City from achieving its General Plan goals of job creation and balanced land use mix."

In addition, claims that Prop. E limits plans for attracting a four-year university are false. The University site does not have height limits under current plans and will not be affected by Prop. E.

We believe in the General Plan, the City of Chula Vista, and its citizens. Please join the Southwest Chula Vista Civic Association and Crossroads II in supporting Prop. E.

Prop. E gives the residents of Chula Vista a real voice, protects Historic Third Avenue and reduces the undue influence of developers at City Hall.

Please vote yes on Prop. E.

NORBERTO P. SALAZAR

Board Member, Southwest Chula Vista Civic Association
Teacher

GEORGE GILLOW

Former Chula Vista Councilmember
and Mayor Pro-Tem (1978-82)

GUSTAVO CORONA

Downtown Third Avenue
Business Owner

SUSAN WATRY

Board Member, Crossroads II

DAVID J. PETERSON

Former Director of Planning
City of Chula Vista

PROPOSED ORDINANCE

PROTECTION OF GENERAL PLAN

THROUGH VOTER APPROVAL OF CERTAIN CHANGES AND DESIGNATION OF HEIGHT LIMITS

Section 1. Purpose and Findings – Protection from overly intensive development and taller buildings

This ordinance is intended to protect Chula Vista residents from the traffic, visual, community character and infrastructure impacts from overly intensive development and taller buildings.

The intention is to protect the General Plan, as approved on December 13, 2005, by requiring voter approval to increase allowable building heights above 84 feet in most areas of the city, and to set a building height limit of 45 feet on Third Avenue between E and G Streets. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

The people of Chula Vista should have a voice in protecting the General Plan against changes that will increase traffic congestion, overburden existing facilities including parking and cause visual impacts from high rise developments in the wrong locations. The people of Chula Vista are also concerned about the protection of the character of the Third Avenue Village area, where over-development would also have visual, traffic and parking impacts.

The General Plan recognizes that high-rise buildings have a place in Chula Vista. They should be located where transportation systems have been built to serve them, and where existing neighborhoods will not be disrupted, displaced or overburdened. Under this initiative, the Bay Front Planning Area, property west of Interstate 5, and other areas the General Plan designates as suitable for high-rise development would not be affected. Under this initiative, the voters would have a voice in protecting the General Plan against changes that would adversely affect residents' quality of life.

Section 2. Amendment of the General Plan

The Land Use Element of the General Plan is hereby amended to add the following:

A. Approval of Changes to Height Limits. No change to the General Plan that has the purpose or effect of increasing the allowable building height within any area above 84 feet shall take effect unless and until it is approved by a simple majority vote of those voting in the City at an election, except as permitted under the Chula Vista General Plan Update as approved December 13, 2005 or this enactment. This limitation shall apply to any change in the General Plan whether approved as a general plan change, specific plan, or by any similar action.

No voter approval shall be required for any General Plan change affecting the Bayfront Planning Area, as identified in the Land Use Element of the Chula Vista General Plan as amended and adopted in 1989, or any area west of Interstate 5.

B. Protection of Third Avenue Village. No building that is part of any development in the Third Avenue Village, which fronts on Third Avenue between E Street and G Street, shall exceed 45 feet in height, notwithstanding any other provision of the Chula Vista General Plan.

C. Building Height. For the purposes of paragraphs A and B, building height shall be calculated from the average contact ground level of the building to the highest point of the building, including any rooftop appurtenances.

These provisions shall not apply to amendments which are necessary to comply with state or federal law.

PROPOSED ORDINANCE (Continued)

Section 3. Implementation

A. Upon the effective date of this ordinance, all of the provisions of this initiative shall be inserted into the General Plan as an amendment thereto, except that if the four amendments permitted by State law for the calendar year in which it is approved have already been utilized for that year prior to the effective date of this initiative, this General Plan amendment shall be the first inserted into the General Plan on January 1 of the following year.

B. Any provision of City law, including any zoning or other development regulation, inconsistent with the amendment inserted by this initiative shall be unenforceable to the extent of the inconsistency, in conformance with the laws of the State of California. In addition, notwithstanding any contrary City ordinance, policy or regulation, the provisions of this initiative shall be applicable to every project which has not commenced substantial physical construction or constructed substantial improvements and incurred substantial liabilities in good faith reliance upon a permit validly issued by the City of Chula Vista to complete construction of a building in accordance with the terms of that permit at the time the Notice of Intent to Circulate this petition was published, or June 30, 2007, whichever is later.

C. To ensure that the Chula Vista General Plan remains a meaningful and integrated planning document, the General Plan provisions adopted by the initiative shall prevail over any conflicting provisions of the General Plan, as approved on or after December 13, 2005.

D. In the event that the City Council approves a change, amendment or other land use decision which must, by the terms of this initiative, be approved by the voters of the City of Chula Vista in order to become effective, the City Council shall set the matter for public vote.

E. The City Council shall call any election required by this initiative for the next available general municipal election or may, in its discretion, set a special election.

Section 4. Construction

Nothing in this initiative shall be construed to make illegal any lawful use presently being made of any property. Nothing in this initiative shall be construed to require more than a simple majority vote for the adoption of this initiative or for the approval of any future measure required by this initiative. Nothing in this initiative shall be construed to interfere with rights to obtain density bonuses under affordable housing laws or limit rights or entitlements under affordable housing laws.

Section 5. Severability

The provisions of this initiative measure shall not apply to the extent they violate state or federal laws. If any word, sentence, paragraph, subparagraph, section or portion of this initiative is declared to be invalid by a court, the remaining words, sentences, paragraphs, subparagraphs, sections and portions are to remain valid and enforceable.

Section 6. Amendment or Repeal

This initiative may be amended or repealed only by the voters at a City election.

Section 7. Effective Date

Pursuant to the State of California Municipal Elections Code section 9217, if a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the city. The ordinance shall be considered as adopted upon the date that the vote is declared by the legislative body and shall go into effect 10 days after that date.